

IV. REMARKS

1. Claims 1, 3, 5, 7-9, 11, 13, 15, 17, 19, 21, 23-25, 27-29, 31, 33, 35, 37, 39-41, 43-45 and 47 are amended. Claims 1-48 are pending in this application.

2. The IDS filed on January 17, 2002 (and mailed on January 4, 2002) was objected to by the Examiner. A new IDS is being filed concurrently with this response to overcome the objection, the new IDS containing English translations of the three references cited in the IDS of January 17, 2002 (i.e. WO 99/56445, WO 00/02406 and WO 99/25093).

3. The declaration was objected to by the Examiner. A new declaration is being submitted herewith that acknowledges the foreign priority application.

4. Figure 1A of the drawings is amended to overcome the Examiner's objection.

5. The abstract and disclosure are amended to overcome the objections regarding minor typographical and other errors. No new matter has been added.

6. Claims 1-48 were rejected under 35 U.S.C. 112, second paragraph as being indefinite. Claims 1, 3, 5, 7-9, 11-13, 15, 17, 19, 21, 23-25, 27-29, 31, 33, 35, 37, 39, 40, 41, 43-45 and 47 are amended to overcome the Examiner's rejections regarding antecedent basis.

In addition, the terms "GPRS/EDGE" and "universal mobile telecommunications system" in claims 1, 17 and 33 are not indefinite under 35 U.S.C. 112, second paragraph. The Examiner is correct in that the terms "GPRS/EDGE" and "universal mobile

telecommunications system" are certain wireless communications systems that are under constant development. One skilled in the art would readily know the meaning of the terms "GPRS/EDGE" and "universal mobile telecommunications system" at any point in time regardless of any evolving standards or revisions to the systems. Furthermore, the use and application of the recited technology is well described in the specification. This is contrary to the analogy used by the Examiner regarding trademarks or trade names in a claim.

Trademarks or trade names are used to identify a source of goods, and not the goods themselves. As such, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. The value of a trademark would be lost to the extent that it became descriptive of a product, rather than used as an identification of a source or origin of a product. Thus, the use of a trademark or trade name in a claim to identify or describe a material or product would not only render a claim indefinite, but would also constitute an improper use of the trademark or trade name. To the contrary, the terms "GPRS/EDGE" and "universal mobile telecommunications system" are standards used in the communication industry to define and identify a particular system at any given point in time, not the source of the system as a trademark or trade name does. As these terms evolve so do the standards associated with them. Therefore, one skilled in the art would readily recognize the definite standard these terms are associated with regardless of any revisions or evolution of these standards. Accordingly, claims 1, 17 and 33 are definite under 35 U.S.C. 112.


7. Claims 1-48 are not anticipated under 35 U.S.C. 102(e) by Fauconnier et al., U.S. Patent 6,768,903 ("Fauconnier"). The

filing date of Fauconnier is May 21, 2001 which is after the priority date of the present application. Applicant has perfected its claim of priority to Finnish Application No. 20001734 that was filed with the Finnish Patent Office on August 1, 2000 as evidenced by the Updated Filing Receipt dated October 26, 2001. Under 37 C.F.R. 1.55(a)(4) an English translation of a non-English language foreign application is not required to perfect a claim priority to a foreign application. However, the English translation is needed to overcome the date of a reference relied upon by the Examiner and as such, an English translation of the Finnish priority document along with a statement of accuracy are being filed concurrently with this response in accordance with 37 C.F.R. 1.55(a)(4). Because the filing date of Fauconnier is after Applicant's priority date of August 1, 2000, Fauconnier cannot anticipate claims 1-48 of the present application. Accordingly, the objection under 35 U.S.C. 102(e) is overcome.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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3 August 2005
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